

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City and County of San Francisco, through its San Francisco Municipal Railway, for an order authorizing construction of rail-to-rail at-grade crossings on Third Street at Arthur Avenue (CPUC No. 2SF-2.05-C) and at Carroll Avenue (CPUC No. 001E-4.02-C) to provide signal control for light rail trains, freight trains and vehicular traffic for the Third Street Light Rail Project in the City and County of San Francisco.

Application 03-07-004
(Filed July 1, 2003)

O P I N I O N**Summary**

The City and County of San Francisco (CCSF) proposes to establish 58 at-grade crossings and one grade-separated crossing along a 5.2-mile extension of the San Francisco Municipal Railway (Muni) light rail system (3rd St. Extension) beginning at the Caltrain station at the intersection of 4th and King Streets and ending at Bayshore Boulevard between Sunnydale Avenue and the San Francisco county line in Visitacion Valley. The segment of the proposed 3rd St. Extension included in this decision are two rail-to-rail crossings of the proposed Third Street light rail line over existing conventional railroad tracks. The existing railroad tracks are at Arthur Avenue and Carroll Avenue. Commission approval for the light rail crossing of Arthur Avenue (CPUC No. 125J-2.84) was given in Decision (D.) 03-05-028 in Application 03-03-008, and for Carroll Avenue (CPUC

No. 125J-1.36) in D.03-04-048 in Application 03-02-020. A map showing their location is included as Attachment A.

The 3rd Street Extension will bring rail transit service to the communities in the southeastern part of San Francisco. It is also intended to serve as a key infrastructure improvement to help support the economic and physical revitalization of the Bayview-Hunters Point commercial core along 3rd Street and the planned development in Mission Bay.

Discussion

The 3rd St. Extension includes the construction of 58 at-grade crossings, and the widening of the existing grade-separated freeway overpass to accommodate the light rail system.

This application and the order herein are sought under Sections 1201 - 1205 of the Public Utilities Code.

Safety features at the conventional railroad crossings will include fully interlocked control system based on standard American Association of Railroads interlocking principles, railroad signals, vital relays, track circuits, etc. The interlocking plant would feature an integrated design that controls the movements of freight trains, light rail trains and vehicular traffic. Movement of light rail vehicles (LRV) will be governed by a signal displaying a red "T" for stop or a white "T" for proceed. Movements of conventional railroad trains will be governed by either a red "X" for stop, or a green "X" for proceed indication. At Muni's request the Signal Engineering Department of the Union Pacific Railroad and the Commission's Railroad Safety Section have reviewed the design.

Traffic warning devices at the Arthur Avenue intersection currently consist of two Standard No. 8As (flashing lights on cantilevered arm), as

described in CPUC General Order (G.O.) 75-C traffic signs and traffic signals for automobiles and pedestrians. The highway-rail crossing will be upgraded with an interlocking control system and “count down” pedestrian signals to warn pedestrians of the remaining time before the signal turns red. The existing warning devices at the Carroll Avenue highway-rail crossing consist only of traffic signals. Muni proposes to construct protected left-turn lanes, install two Standard No. 8As, an interlocking system and the count down pedestrian signals at Carroll Avenue. LRV speeds at both highway-rail-to-rail crossings will be restricted to 25 mph.

The highway-rail crossing at Arthur Avenue is complicated by the close proximity of the Islais bascule (draw) bridge approximately 260 feet to the north, and the fire station number 25 immediately to the north. Automatic interlocking control system preemption at the Arthur intersection is initiated on a first-come, first-serve basis through activation of the bridge, firehouse emergency signal or the approach of a train. Once initiated, preemption must continue until timed out.

By Resolution ST-56, dated July 17, 2002, the Commission granted CCSF authority to deviate from G.O. 143-B 9.06c(1). G. O. 143-B requires a 30-inch minimum clearance adjacent to trains where persons are permitted to be while trains are in motion, and between LRVs on parallel tracks. Resolution ST-56 allows Muni to construct the two parallel tracks proposed for 3rd Street with an 18-inch minimum clearance between the LRVs. The 18-inch clearance was necessary due to the narrow width of 3rd Street. For the 3rd St. Extension, the sidewalks were narrowed to a width of nine feet and parking was eliminated for much of the route to accommodate the narrow width of 3rd Street. A safety issue regarding the reduced clearance between LRVs is the possibility that pedestrians

may get caught in the middle of the right-of-way between the tracks without sufficient refuge when LRVs arrive simultaneously from both directions. Mitigation for this situation consists of increasing the amount of “walk” time to allow a person traveling 2.5 feet/second to safely cross the street (4.0 feet/second is standard). The increased pedestrian travel time, in conjunction with the “count down” pedestrian heads, should discourage persons from attempting to cross the street late in the walk cycle to avoid being trapped within the right-of-way.

Train operators must be prepared to stop short of any person, object, or obstruction within range of their vision as required by Rule 4.22.2 contained in the “San Francisco Municipal Railway Rules and Instruction Handbook.” In addition to this, Muni will enforce a new operating rule, which requires that, “If two opposing trains are approaching a person who is on the right of way, where there is not sufficient room to safely remain while the trains pass, both trains shall stop to allow the person to reach a safe place.”

By Resolution ST-60, dated May 8, 2003, the Commission granted CCSF a waiver from G.O. 26-D Section 14, Electrical Construction and referenced sections of G.O. 95. In part, the resolution authorizes Muni to construct and maintain its overhead traction power system for the Third St. Extension at reduced overhead clearances at the two crossings described in this decision. Specifically, in Resolution ST-60 the Commission ordered that:

1. *San Francisco Municipal Railway’s request for authority to deviate from the requirements of General Order 26-D, Section 14, Electrical Construction in the construction and operation of overhead trolley contact conductors at not less than nineteen (19) feet above top of rail for conventional railroad tracks on its proposed Third Street light rail line is granted for:*

- *The Illinois Street Lead located in Illinois Street at 25th Street;*

- *The Illinois Street Lead located in Illinois Street at Cesar Chavez Street;*
 - *The Grain Terminal Lead near Cargo Way at Third Street;*
 - *The Carroll Avenue Lead at the intersection of Carroll Avenue and Third Street and;*
 - *Along Illinois Street between 18th and 19th Streets.*
2. *San Francisco Municipal Railway shall employ sound safety design, construction, and operating practices in accordance with its System Safety Program Plan to design, construct, and operate the Third Street light rail line and shall:*
- a. *Provide and maintain warning signage for trains or other rail equipment approaching each of the reduced overhead clearance locations on conventional railroad tracks, which would be authorized along its Third Street Line;*
 - b. *Provide and maintain warning signage that is consistent with the standards, rules, and procedures of each conventional railroad operating over tracks that would be subject to the reduced overhead clearances;*
 - c. *Submit the warning signage design, installation, and maintenance plans to the Commission's staff for review and approval prior to installation;*
 - d. *Complete and install the approved warning signage prior to the creation of any reduced overhead clearances above any of the specified conventional railroad tracks;*
 - e. *Ensure that each conventional railroad's written directives identifying the location of the reduced overhead clearances, with reference to the appropriate safety rules and procedures, are issued prior to any operation past those reduced clearances;*
 - f. *Establish written agreements with the Port and each affected conventional railroad with procedures and lines of communication to provide expeditious, uninterrupted movement for any future operation of freight railroad double stack or other high loads that would conflict with the reduced overhead clearances and;*

- g. Carry out operation and maintenance associated with the reduced overhead clearances consistent with applicable FRA safety rules, including specific requirements included in any waivers granted by FRA.*
- 3. Each affected conventional railroad operating past the proposed reduced overhead clearances shall:*
 - a. Issue appropriate written directives to its affected employees that identify the location of the reduced overhead clearance and reference the appropriate safety rules and procedures to preclude employees from being endangered by the reduced overhead clearance and;*
 - b. Ensure that each conventional railroad's written directives identifying the location of the reduced overhead clearances, with reference to the appropriate safety rules and procedures, are issued prior to any operation past those reduced clearances.*
- 4. Authority to create and maintain reduced overhead clearances is limited to the specific locations and conditions identified in this order.*
- 5. Authority to deviate from and maintain the reduced overhead clearances should be separate from but dependant on a Commission decision to authorize MUNI to construct its Third Street Line and support tracks, at grade, across specified conventional railroad tracks in connection with that project.*

The CCSF, through the Department of City Planning, is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. The CCSF's Public Transportation Commission approved the 3rd St. Extension on June 23, 1998. A copy of the document was available for public review at 1145 Market Street in San Francisco. On June 4, 2001, in compliance with CEQA, CCSF filed its Notice of Determination with the State of California Office of Planning and Research and the San Francisco County Clerk, approving this project, which stated that the project will have a significant effect on the environment (State Clearinghouse

Number 96102097). Accordingly, CCSF adopted mitigation measures as a condition of approval of the project, and submitted a Statement of Overriding Considerations (SOC) for the project. (Resolution #99-009.) The Notice of Determination is included as Attachment B.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

Rail Crossings Engineering Section (RCES) has reviewed CCSF's environmental documentation. The environmental documentation consists of the Notice of Determination, a Final Environmental Impact Report (FEIR), and an SOC. We find that these environmental documents are adequate for our decision-making purposes. Analysis of potential environmental impacts included land use, visual and aesthetics resources, hydrology and water quality, transportation and traffic, geology and seismicity, cultural resources, community facilities and services, socio-economic characteristics, utilities and energy, noise and vibration, biological and wetlands resources, hazardous materials and air quality.

Safety and security, transportation and noise are within the scope of the Commission's permitting process. The environmental documentation discussed police, fire and emergency services in the community facilities and services

section, but did not identify any potential impacts for the rail-to-rail crossings related to safety and security.

Noise impacts were identified in the FEIR related to short-term noise due to construction. The mitigation measures include the use of equipment with effective mufflers, construction techniques that create the lowest noise levels, minimize off-hour (8 p.m.-7 a.m.) and holiday construction activities, create a community liaison program for the local residents, and select haul routes that minimize intrusion to residential areas. Mitigation measures due to vibration impacts include the use of pre-drilled piles for pile-driving when within 250 feet of residential areas, modification to the under-car suspension of Breda LRVs to reduce vibrations, and the relocation of track crossovers from vibration-sensitive areas. Prior to construction, the contractor will establish vibration levels at random locations, including those previously established as sensitive, to determine locations for mitigation.

Transportation and traffic impacts were identified in the FEIR related to the reduced Levels of Service and increased roadway traffic volumes at four intersections. Neither of the rail-to-rail crossings is at any of the four impacted intersections.

In adopting the SOC, CCSF determined that certain project benefits outweighed the significant and unavoidable impacts and warrant project approval. In particular, the SOC stated the impacts are due to cumulative conditions in the corridor caused by the impacts of several projects occurring simultaneously. The CCSF found that specific policy considerations, including but not limited to, the environmental, social and economic benefits of the project outweigh the significant unavoidable impacts.

With respect to the potentially significant noise and transportation impacts identified above that could be mitigated, the Commission finds that CCSF adopted feasible mitigation measures to either eliminate or substantially lessen those impacts. With respect to the project environmental impacts that remain significant and unavoidable, we also find that CCSF identified reasonable project benefits to justify its adoption of an SOC and project approval. Therefore, we similarly adopt and require the mitigation measures identified in the CCSF's FEIR and adopt the SOC, for purposes of our project approval.

RCES has inspected the site of the proposed 3rd St. Extension. After reviewing the need for, and safety of, the proposed two at-grade rail-to-rail crossings, RCES recommends that the requested authority sought by CCSF be granted, but expire if not exercised within two years.

Application 03-07-004 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 41, which relates to the construction of a railroad or street railroad across a railroad or street railroad.

In Resolution ALJ 176-3116, dated July 10, 2003 and published on the Commission Daily Calendar on July 11, 2003, the Commission preliminarily categorized the application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, this preliminary determination remains accurate. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3116.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. The Commission published the Notice of Application in the Commission's Daily Calendar on July 7, 2003. No protests have been filed and there are no unresolved matters.

2. CCSF requests authority, under Public Utilities Code Sections 1201-1205, to construct, maintain and operate two at-grade rail-to-rail crossings of the 3rd St. Extension.

3. Public convenience, safety, and necessity require the construction of the proposed at-grade rail-to-rail crossings.

4. CCSF is the lead agency under CEQA.

5. The Commission is a responsible agency for this project and has reviewed and considered the CCSF's environmental documentation upon which CCSF relied in adopting mitigation measures for the project.

6. On June 4, 2001, CCSF filed its Notice of Determination approving the extension and found the 3rd St. Extension would have a significant effect on the environment. An SOC was adopted for this extension.

7. CCSF's environmental documents are adequate for our decision-making purposes.

8. Safety and security, transportation and noise are within the scope of the Commission's permitting process.

9. The Commission finds that for each potentially significant impact related to safety and security, transportation or noise, CCSF adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

10. The Commission finds that for the environmental impacts determined to be significant and unavoidable, CCSF reasonably concluded there are sufficient project benefits to warrant project approval.

Conclusions of Law

1. There are no protests or unresolved matters; a public hearing is not necessary.
2. We adopt and require the mitigation measures identified in CCSF's FEIR as well as the SOC for purposes of our project approval.
3. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

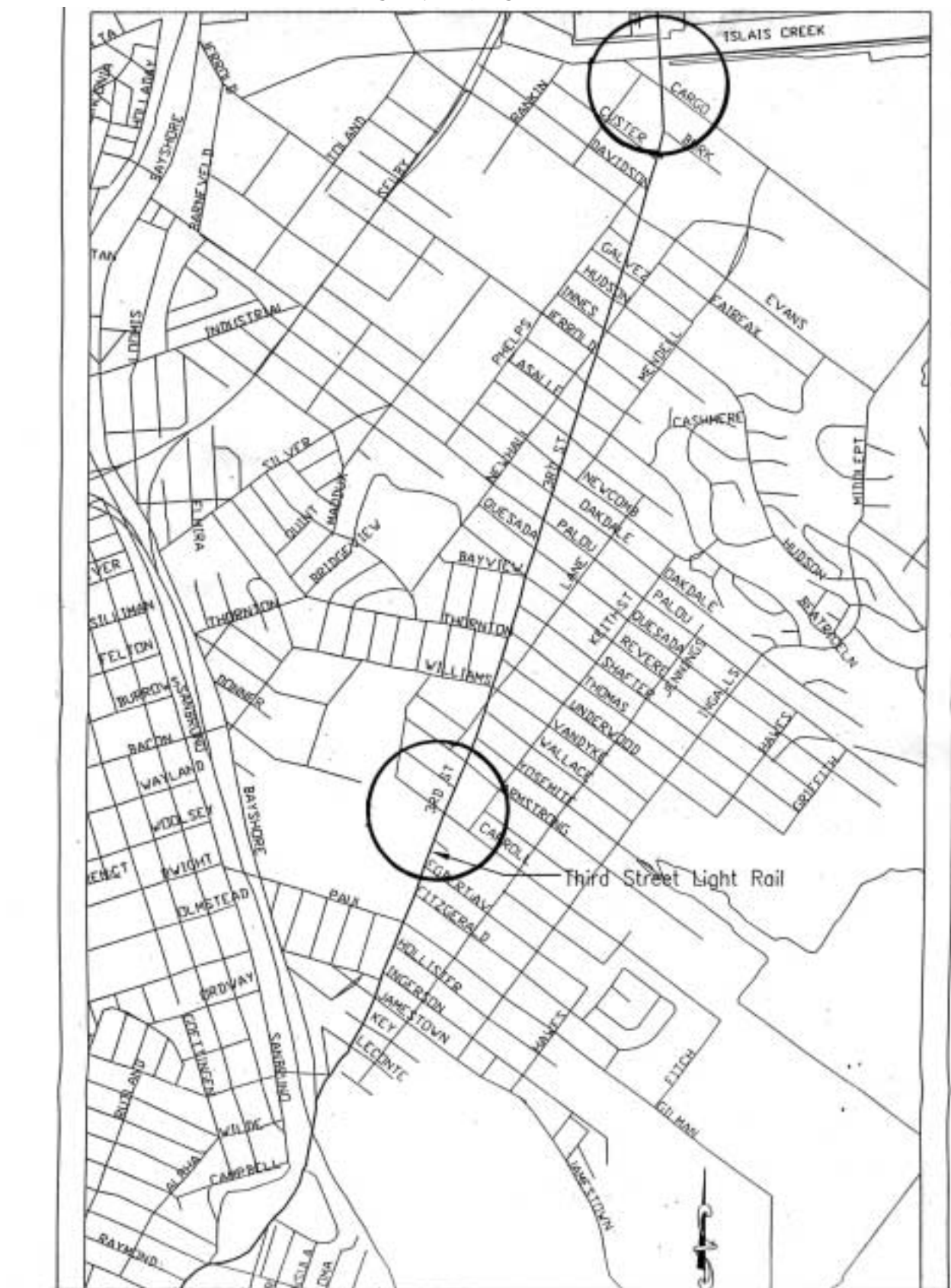
1. The City and County of San Francisco (CCSF) is authorized to build, maintain, and operate light rail transit at-grade crossings across existing conventional railroad tracks along Third Street at Arthur Avenue (CPUC No. 125J-2.84-T) and at Carroll Avenue (CPUC No. 125J-1.36-T).
2. Safety requirements from Decision (D.) 03-05-028 and D.0304-048 shall be met.
3. Fully automatic interlocking systems shall be designed, installed, and maintained to safely control the movements of light rail and conventional railroad movements at each of the at-grade crossings. The interlocking systems shall comply with the requirements of General Order (G.O.) 143-B and the Federal Railroad Administration.
4. Clearances shall be in accordance with G.O. 26-D, G.O. 95, and G.O. 143-B with the following exceptions:

- a. Side clearances between the dynamic envelopes of LRVs on adjacent tracks may be reduced to eighteen (18) inches as specified in Commission Resolution ST-56.
 - b. Overhead clearances for light rail traction power system components may be reduced to nineteen (19) feet above top of rail for conventional railroad movements.
5. Walkways shall be in accordance with G.O. 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.
6. Prior to construction, CCSF shall file with Consumer Protection and Safety Division's Rail Crossings Engineering Section (RCES) final construction plans.
7. Within 30 days after completion of the work under this order, CCSF shall notify RCES in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work is completed.
8. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.
9. This application is granted as set forth.
10. Application 03-07-004 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

ATTACHMENT C



OFFICE OF ENVIRONMENTAL REVIEW
\$25.00 Private Development Fee IS OWED X

ENDORSED
FILED
San Francisco County Clerk

NOTICE OF DETERMINATION

JUN 04 2001

BY: M. J. Maltzer
Deputy County Clerk

X State of California
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044
State Clearinghouse No.: 96102097

X County Clerk
City and County of San Francisco
City Hall - Room 168
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Pursuant to the California Environmental Quality Act (CEQA), the Guidelines of the Secretary for Resources and San Francisco requirements, this Notice of Determination is transmitted to you for filing. At the end of the posting period, please return this Notice to the Contact Person with a notation of the period it was posted.

File Number and Project Title: 96.281E - Third Street Light Rail Project
Address: Generally along Third Street from County line to Market Street, within southeastern portion of San Francisco; and a 13 acre portion of former Western Pacific rail yard east of Third Street, north of Pier 80.

Project Description: Construction of a new light rail transit system along Third Street, generally from the County line at the southern end to Market Street at the northern end; Construction of new light rail maintenance and storage facility.

Lead Agency: City and County of San Francisco by Department of City Planning,
1660 Mission Street, San Francisco, CA 94103-2414

Contact Person: Paul Maltzer Telephone: (415) 558-5977

Project Applicant: San Francisco Municipal Railway

The City and County of San Francisco Public Transportation Commission decided to carry out or approve the project on June 23, 1998. A copy of the documents may be examined at 1145 Market Street, Suite 402, San Francisco, CA.

1. An environmental document has been prepared pursuant to the provisions of CEQA, as noted below. It is available to the public and may be examined at the Office of Environmental Review at the above address.
☐ Certificate of Exemption
☐ Negative Declaration
☒ Environmental Impact Report
2. A determination has been made that the project in its approved form
☐ will not have a significant effect on the environment.
☒ will have a significant effect on the environment and findings were made pursuant to Section 15091 and a statement of overriding considerations was adopted
3. Mitigation Measures X were not made a condition of approval.

Gerald G. Green
Director of Planning

by Paul E. Maltzer
Environmental Review Officer

cc: Sue C. Hestor, 870 Market St, #1128, San Francisco CA 94102
Project Sponsor